

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GMA ACCESSORIES, INC.

**DECLARATION IN SUPPORT
OF PLAINTIFF'S MOTION TO
DISMISS THE
COUNTERCLAIMS**

Plaintiff,

Civil Action No.: 07CV3219 (LTS)

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC.,
LISA KLINE, INC., GIRLSHOP, INC.,
SHOWROOM SEVEN STUDIOS, INC.,
JONATHAN SINGER, LEWIS TIERNEY and
JONATHAN SOLNICKI,

Defendants.

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ANDREW T. SWEENEY, hereby declares, under penalty of perjury pursuant to 28

U.S.C. § 1746, as follows:

1. I am an associate at The Bostany Law Firm, plaintiff in this proceeding.
2. The answers of the defendants, Saks Fifth Avenue, Inc., Intermix, Inc., Wink NYC, Inc., Lisa Kline, Inc., Jonathan Singer and Lewis Tierney were served on GMA Accessories, Inc. along with counterclaims on October 24, 2007. A representative copy of one of the counterclaims which are all identical, is annexed hereto as **Exhibit A**.
3. A copy of this court's prior opinion which summarizes the nature of GMA's claims is respectfully annexed as **Exhibit B**.

For the reasons contained in the accompanying memorandum of law, we respectfully ask that the counterclaims along with the affirmative defense of “trademark misuse” be dismissed.

Dated: New York, New York
November 13, 2007

Respectfully Submitted,

By: 

ANDREW T. SWEENEY (AS-0724)